

FR INDOCHINA

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TO : Department of State

FROM : SAIGON 403 December 28, 1950

2 ENCLOSURES

REF : (a) Depcirgam Aug 11, 1950, 9:45 am; (b) Legtel 412, Sept 22, 1950; (c) Desp 187, Sept 23, 1950; (d) Legtel 442, Sept 26, 1950; (e) Desp 199, Sept 27, 1950

SUBJECT : Delimitation of Inland Waters and the Marginal Sea of Indochina

Transmitted herewith is the text, with English translation, of a letter received from the Office of the High Commissioner for France in Indochina in response to this Legation's letter of September 23, 1950 requesting information with regard to the delimitation of inland waters and the marginal sea of Indochina. Before the answer to the Legation's letter was received, a note from the Diplomatic Counsellor to the High Commissioner was received stating that, for military reasons, the Commander-in-Chief of the Armed Forces of France in the Far East had decided to prohibit all ships of commerce, without distinction as to nationality, to have access to the territorial waters of Viet Nam between the 18th parallel and the northern limit of the territory of South Viet Nam (latitude approximately 10 degrees and 30 minutes north). This communication was reported in references (b) and (c). On September 22 another note from the Office of the Diplomatic Counsellor to the High Commissioner was received correcting the first note and specifying that access to the territorial waters of Indochina between the 18th parallel and Ke Ga Point, southwest of Phan Thiet, would be prohibited to ships of commerce of all nations instead of between the 18th parallel and the northern limit of the territory of South Viet Nam as previously stated. This correction was reported in references (d) and (e). The foregoing prohibitions are, however, of a military nature and presumably designed to have effect only during the period of hostilities in Indochina. The longer note from the Office of the High Commissioner which is transmitted herewith makes no mention of these war-time measures.

The full texts of the decrees, the pertinent parts of which are quoted in the enclosure, are contained in copies of the Journal Officielle available in the Department.

The Associated States, none of which has either a navy or a fleet of customs vessels, have not yet taken up the question of deciding the extent of their territorial waters.

Donald R. Heath

*For the Minister
12/28/50*

ENCLOSURES:

- 1) Text of letter from Acting High Commissioner for France in Indochina dated October 25, 1950 relative to territorial waters of Indochina.
- 2) English translation of Enclosure 1.

SHMcClinton/cia

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ENCLOSURE 1
December 28, 1950

(Text of letter from Acting High Commissioner for France in Indochina dated October 25, 1950 relative to territorial waters of Indochina.)

Monsieur le Ministre,

Vous avez bien voulu m'informer que le Gouvernement des Etats-Unis d'Amérique procédait à la mise à jour de sa documentation relative à la réglementation applicable dans les eaux territoriales des diverses nations, et solliciter le concours de mes services en vue d'obtenir les renseignements susceptibles d'intéresser votre Gouvernement.

Comme suite à cette demande, j'ai l'honneur de vous adresser, en une note jointe, les précisions que vous me demandez.

Je vous prie d'agréer, Monsieur le Ministre, l'assurance de ma haute considération./.

Signé: TOREL

EAUX TERRITORIALES DE L'INDOCHINE
DELIMITATION ET MESURE

TEXTES

- Décret du 2 Septembre 1931 portant codification douanière en Indochine, promulgué en Indochine par Arrêté du 3 Février 1932 du Gouverneur Général de l'Indochine - J.O.I.F. du 3 Février 1932 p.448.
- Décret du 22 Septembre 1936 fixant à 2 myriamètres au large de la laisse de basse-mer la zone de la mer territoriale en Indochine, promulgué en Indochine par Arrêté du 31 Octobre 1936 du Gouverneur Général de l'Indochine - J.O.I.F. du mois d'Octobre 1936 (édition mensuelle) p.978.
- Arrêté du 13 Avril 1948 du Haut-Commissaire de France pour l'Indochine relatif à l'exercice de la Navigation et de la Pêche Maritime en Indochine - J.O.I.C. du 22 Avril 1948 p.2607.

SURVEILLANCE DOUANIERE

- Décret du 2 Septembre 1931

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ENCLOSURE 1
December 28, 1950

Le texte annexé à ce décret codifie la réglementation douanière applicable en Indochine, il traite en certaines de ses dispositions de la Police douanière du littoral et du rayon d'action dans lequel celle-ci est exercée.

Art. 311 : "Les Capitaines et autres Officiers et Agents sur les bâtiments du Service des Douanes, ceux du Commerce ou de la Marine Militaire peuvent visiter tous bâtiments au dessous de 100 Tonneaux étant à l'ancre ou louvoyant dans les 20 kilomètres des côtes de l'Indochine hors le cas de force majeure...".

MONOPOLE DE PECHE

- Décret du 22 Septembre 1936

Ce texte fait interdiction aux bateaux étrangers à vapeur ou munis d'un moteur auxiliaire et aux embarcations en dépendant d'une manière quelconque de pratiquer la pêche dans une zone qu'il définit comme étant la mer territoriale en matière de pêche.

Art. premier : "En matière de pêche la mer territoriale a en Indochine Française une étendue de deux myriamètres au large de la laisse de basse-mer. Pour les baies, le rayon de deux myriamètres est mesuré à partir d'une ligne droite tirée en travers de la baie, dans la partie la plus rapprochée de l'entrée, au premier point où l'ouverture n'exède pas dix milles".

EXERCICE DE LA NAVIGATION ET DE LA PECHE

- Arrêté du 13 Avril 1948

Ce texte qui précise l'organisation et l'exercice de la police en mer et prévoit certaines mesures restrictives définit pour son application une zone des eaux territoriales et une zone des eaux contigues.

Art. 6 : "Aux termes du présent arrêté il faut entendre :

- par zone des "eaux territoriales" une bande bordant le littoral, les îles et banes de courants qui en dépendent, ayant une largeur de 3 milles marins comptés à partir de la laisse de basse-mer.
- par zone des "eaux contigues" une bande s'étendant au large des "eaux territoriales" jusqu'à 2 myriamètres comptés à partir du même repère".

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December 28, 1950
ENCLOSURE 2

ENGLISH TRANSLATION text of letter from Acting High Commissioner for France in Indochina dated October 25, 1950.

Mr. Minister,

You have been kind enough to inform me that the Government of the United States of America was proceeding with the bringing up to date of its documentation relating to the regulations applicable in the territorial waters of various nations and to solicit the cooperation of my services in obtaining information of interest to your Government.

Pursuant to this request I have the honor to address to you, in the adjoining note, the information which you have asked of me.

I beg you to accept, Mr. Minister, the assurances of my highest consideration.

(Signed) TOREL

TERRITORIAL WATERS OF INDOCHINA
DELIMITATION AND MEASURE

TEXTS

Decree of September 1931 relative to the customs codification in Indochina, promulgated in Indochina by Arrete of February 3, 1932 of the Governor General of Indochina—J.O.I.F. (Journal Officielle Indochine Francaise) of 3 February 1932, page 448.

Decree of 22 September 1936 fixing at 20 kilometers (2 myriametes) in width from the low water mark the zone of the territorial waters in Indochina, promulgated in Indochina by Arrete of 31 October 1936 of the Governor General of Indochina—J.O.I.F. of the month of October 1936 (monthly edition) page 978.

Arrete of 13 April 1948 from the High Commissioner for France in Indochina relative to the carrying on of Navigation and Maritime Fishing in Indochina—J.O.I.C. (Journal Officielle Indochine) of 22 April 1948, page 2607.

CUSTOMS SURVEILLANCE

Decree of 2 September 1931.

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ENCLOSURE 2

The text annexed to this decree codifies the customs regulations applicable to Indochina, it treats in certain of its dispositions with the Customs Police of the coastal region and the radius of action in which it may operate.

Article 311: "The Captains and other Officers and Agents on the vessels of the Customs Service, those of Commerce, or of the Navy can visit all vessels of less than 100 tons lying at anchor or maneuvering within 20 kilometers of the coast of Indochina except in case of force majeure."

FISHING MONOPOLY

Decree of 22 September 1936.

This text forbids to steamships or ships with auxiliary motors and to all other boats dependent on them in any manner whatsoever to engage in fishing in a zone which it defines as being the territorial waters with regard to fishing.

First Article: "In matters of fishing the territorial waters have in French Indochina an extent of two myriameters of width from the low water point. For bays, the radius of two myriameters is measured from a straight line drawn across the bay in the part closest to the entrance at the first point where the opening does not exceed ten miles."

THE EXERCISING OF NAVIGATION AND FISHING

Arrete of 13 April 1948.

This text which establishes the organization and the operation of the police at sea and provides for certain restrictive measures defines for its application a zone of territorial waters and a zone of contiguous waters.

Article 6: "By the terms of the present arrete the following definitions apply:

By zone of "territorial waters" a band bordering the coast, the isles and banks which surround them, having a width of three nautical miles counting from the low water mark.

By zone of "contiguous waters" a band extending beyond the "territorial waters" to a distance of two myriameters measured from the same reference point".

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South East Asia

